



## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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### DEVELOPMENT DENSITY NR 115 ADVISORY COMMITTEE RECOMMENDATIONS From June 24, 2003

This document summarizes advisory committee preferences and recommendations. More detailed information on the meeting is available at: <http://www.dnr.state.wi.us/org/water/wm/dsfm/shore/archive/June03Meeting.htm>

1. Lot Size Options
2. Impervious Surface Standards Options
3. Nonconforming Lot Options
4. Setback Averaging Options

#### 1. LOT WIDTH OPTIONS

Advisory Committee Preferences*	Option
0	A. Minimum average lot width calculated from the OHWM to the setback
2 members	B. Minimum square footage from the OHWM to the setback without a minimum lot width provision
1 member	C. Measure lot width at the OHWM and lot width at the setback and then calculate average lot width
4 members	D. The amount of linear water frontage of the lot measured at the OHWM. The frontage width shall be measured perpendicular to the mean bearing of the side lot lines
10 members	E. Minimum lot width at any point within the setback area
4 members	F. Minimum average lot width (status quo)

\*Advisory Committee members may support more than one option

#### LOT SIZE OPTIONS

Advisory Committee Preferences*	Option
8 members	A. 10,000 square feet with 65 feet of frontage at the ordinary high water mark if the lot served by a public sanitary sewer and 20,000 square feet with 100 feet of frontage at the ordinary high water mark if the lot is not served by a public sanitary sewer (Status Quo)

0	B. 20,000 square feet with 100 feet of frontage at the ordinary high water mark
3 members	C. 20,000 square feet with 100 feet of frontage at the ordinary high water mark and at the time of platting, the lot shall have at least 5,000 square feet of land which is not wetland, floodway or slopes greater than 20%
2 members	D. 30,000 square feet with 150 feet of frontage at the ordinary high water mark
0	E. 30,000 square feet with 150 feet of frontage at the ordinary high water mark and at the time of platting, the lot shall have at least 5,000 square feet of land which is not wetland, floodway or slopes greater than 20%
8 members	F. 20,000 square feet with 100 feet of frontage at the ordinary high water mark and at the time of platting, the lot shall have at least 5,000 square feet of land which is not wetland or floodway (added by AC – similar to option C without reference to slope)

\*Advisory Committee members may support more than one option

## 2. IMPERVIOUS SURFACE STANDARD OPTIONS

### Impervious Surface

Any paved or structural surface that limits or impedes infiltration or causes additional runoff. Such surfaces include, but are not limited to buildings, structures, decks, patios, walkways, driveways and parking areas. (NR 151.002(17))

Advisory Committee Preferences*	Option
1 member	A. Impervious surfaces shall not exceed 20% of the entire lot within the shoreland zone
0	B. Impervious surfaces shall not exceed 2,500 square feet or 20% of the lot within the shoreland zone, whichever is greater
5 members	C. Impervious surfaces shall not exceed 10% of the lot within the shoreland zone, unless best management practices are implemented to control 90% of the post-development runoff.
5 members	D. No impervious surface cap
3 members	E. Impervious surface cap of 20% of the entire lot within the shoreland zone. However, if a property owner wants to exceed the cap, a conditional use permit is required
6 members	F. Combination of B and C – Impervious surfaces shall not exceed 2,500 square feet or 20% of the entire lot within the shoreland zone unless best management practices are implemented to control 90% of the post construction runoff

\*Advisory Committee members may support more than one option

## 3. NONCONFORMING LOT OPTIONS

The Department recommends that if a nonconforming lot does provide a compliant building location, it can be built on, however, if the nonconforming lot does not provide a compliant building location, the roadway and OHWM setbacks may be reduced to provide a 30-foot deep building envelope, with the application of the following provisions:

- The road setback is first reduced by a maximum of one-half of the total setback
- If necessary, the OHWM setback may then be reduced by a maximum of one-third of the total setback.
- No accessory structures are allowed in the 30-foot deep building envelope except for attached garages
- The primary buffer must be preserved or restored

- Mitigation standards shall be consistent with requirements for nonconforming structures and additional mitigation practices may be required (formula results in new structures on small lots, where as nonconforming regulations address existing structures)

Advisory Committee Preferences*	Questions
20 members – Yes 1 member – No	Does the committee support the above approach for nonconforming lots? (Note: some members concerned about the authority to reduce the roadway setback)
13 members – Yes 5 members – No	Should we apply the same mechanism for conforming lots without a compliant building location?

## 5. SETBACK AVERAGING OPTIONS

Advisory Committee Preferences*	Question
5 members – Yes 13 members – No	Should we allow setback averaging if there is a compliant building location on the lot?
13 members – Yes 5 members – No	Should we allow setback averaging if there is NOT a compliant building location on the lot?

The Department recommends that to qualify for setback averaging of a **principal structure**, there must be principal structures within 100 feet on both sides of proposed building site that are built at less than the required setback. The reduced setback may not result in new construction in the primary buffer and shall be:

Advisory Committee Preferences*	Option
2 members	A. The average of the adjacent principal structures
1 member	B. The same setback as the farther of the two adjacent principal structures
0	C. “Unless an existing pattern of development exists, a setback of 75 feet from the OHWM of an adjacent body of water to the nearest part of a building or structure, shall be required for all buildings and structures, except piers, boat hoists, and boat houses.” [NR 115.05(3)(b)(1)] status quo
2 members	D. The same setback as the closer of the tow adjacent principal structures

\*Of the 5 committee members that chose to allow setback averaging even if a compliant building location exists

- Size limits shall be established consistent with the expansion limits for nonconforming structures
- The primary buffer must be preserved or restored
- Mitigation standards shall be consistent with requirements for nonconforming structures and additional mitigation practices may be required (setback averaging results in new structures, where as nonconforming regulations address existing structures)

Advisory Committee Preferences*	Question
13 members – Yes 5 members – No	Should we allow setback averaging if there is NOT a compliant building location on the lot?

\*No preferences were stated for how setback averaging should be done under these circumstances.

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